

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Andre J. B.,

Case No. 20-cv-02320 (SRN/ECW)

Plaintiff,

v.

**ORDER**

Kilolo Kijakazi, Acting Commissioner  
of Social Security,

Defendant.

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David F. Chermol, Chermol & Fishman, LLC, 11450 Bustleton Avenue, Philadelphia, PA 19116 and Edward C. Olson, Disability Attorneys of Minnesota, 331 2nd Avenue S., #890, Minneapolis, MN 55401 for Plaintiff.

Marisa Silverman, SSA-Ogc, 1301 Young Street, Ste A702, Dallas, TX 75202 and Tracey Wirmani, SSA-Ogc, Office of the General Counsel-Suite 350, Social Security Administration, 1301 Young Street, Mailroom 104, Dallas, TX 75202 for Defendant.

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The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge [Doc. No. 37]. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Summary Judgment [Doc. No. 27] is **GRANTED**;
2. Defendant's Motion for Summary Judgment [Doc. No. 29] is **DENIED**; and
3. The final decision of the Commissioner of Social Security is **REVERSED** and the case **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g), with the

directive to reconsider whether additional limitations on standing/walking consistent with the opinions of Dr. Jankus and Dr. Benton should be included in the RFC and, if not, to explain their omission; (2) if necessary, to put a new hypothetical question to the vocational expert; and (3) based on the resulting testimony, to reassess at step five whether Plaintiff can do work in the national economy.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 27, 2022

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Judge